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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/560,067	04/27/00	MATTSON	B MAT-P-99-002

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EXAMINER

O CONNOR, G	
ART UNIT	PAPER NUMBER

2167
DATE MAILED:

07/18/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/560,067

Applicant(s)
Mattson

Examiner
O'Connor

Art Unit
2167



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 11, 2001 (Election - Paper No. 6)
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) 1-8 and 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on April 27, 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 20) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Applicant's election **with** traverse of the invention of Group II, claims 9-14, in Paper N^o 6 is hereby acknowledged. Because applicant did not distinctly and specifically point out any supposed errors in the restriction requirement, the election has been treated as an election **without** traverse (MPEP § 818.03(a)).

2. The restriction requirement is still deemed proper and is therefore made **FINAL**.

3. Claims 1-8 and 15-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected invention, there being no allowable generic or linking claim. Election was constructively made **without** traverse in Paper N^o 6.

Requirement for Information

4. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

- I. A description of every device and/or method in use or on sale, or previously in use or on sale, of which applicant is aware, which device(s) and/or method(s) applicant

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believes to be infringing on applicant's invention(s) as disclosed and/or claimed in the instant application.

- II. The earliest dates that each of the devices and/or methods in use or on sale described in accordance with Requirement I were first used or placed on sale, if known by applicant. Otherwise, the dates that each device and/or method first became known to applicant and the earliest date that applicant is aware of each device and/or method having been used and/or placed on sale.
- III. For each of the devices and/or methods in use or on sale described in accordance with Requirement I, a list of the claims of the instant application which applicant believes are being infringed.
- IV. For each of the devices and/or methods in use or on sale described in accordance with Requirement I, any of the following of which applicant is aware: patent(s), inventor(s), assignee(s), and real parties in interest.
- V. For each of the devices and/or methods in use or on sale described in accordance with Requirement I, a statement regarding the interest therein by any inventor(s), assignee(s), or real parties in interest of the instant invention. If none, so state.
- VI. Description of any litigation to which applicant is a party, whether as a plaintiff or a defendant, that relates in any way to intellectual property rights in the field of the invention or any field reasonably considered related thereto.

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5. Applicant is reminded that failure to timely file a fully responsive reply to this requirement for information will result in a holding of abandonment.

6. Applicant is hereby advised that, to the extent that applicant should perceive any part of the requirements set forth hereinabove to be vague and/or ambiguous with respect to the breath and/or scope thereof, the part in question should be interpreted/construed by applicant in the broadest light and/or most inclusive manner reasonably possible.

Drawings

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the receiving and storing of the information, the website, the posting of information on the website, and accessing the information via a computer, as well as the computer, must all be shown or the feature(s) cancelled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 9-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by CyberDiner Internet Cafe Systems, the posting of restaurant reviews at appropriate websites by patrons of the restaurant being an inherent use of the Internet, as demonstrated by the Blue Ginger webpage at the Boston Globe website.


Conclusion

10. The prior art made of record and not relied upon is considered pertinent to the disclosure.

11. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, Jerry O'Connor, whose telephone number is (703) 305-1525.

GJOC

July 12, 2001


ROBERT P. OLSZEWSKI
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